

## **Water Management Act Blue Ribbon Panel Meeting**

October 6<sup>th</sup>, 2006

Office for Commonwealth Development  
100 Cambridge St., Boston, MA

### **Present**

Andrew Gottlieb (OCD), Steve McCurdy (OCD), David Lutes (EOEA), Ian Cooke (NepWRA), Charles Aspinwall (MMA), Jim Marshall (MWWA), Pam Heidell (MWRA), Steve Angers (Trout Unlimited), Gary Clayton (Mass Audubon), Mary Griffin (MassDEP), and observers.

### **Minutes**

Minutes from 9-22-06 meeting amended then unanimously approved.

### **Presentation – Duane LeVangie, MassDEP**

#### **Comments for the record:**

- Page 1 of the introduction to the Stressed Basin document says "The stressed basin classification is intended to flag areas which may require a more comprehensive and detailed review of environmental impacts or require additional mitigation." On pages 23 and 24 of the document under the intended "Use of the Stress Classification" section of the document it outlines how MASSDEP could you the stress basins document. MASSDEP feels they've applied it as outlined in that document.
- Policy not meant to "restore stream flow," meant to balance competing uses.
- MASSDEP believes that goals are very achievable; some communities are meeting the goals/standards.

### **Presentation - Dr. Peter Weiskel, USGS**

*See – Appendix A*

### **Presentation - Nigel Pickering, Charles River Watershed Association**

*See – Appendix B*

### **Presentation - Todd Richards, MA DFG**

*See – Appendix C*

### **Comments - Jim Marshall, MWWA**

*See – Appendix D*

## **Presentation - John Gall, CDM**

*See – Appendix E*

## **Presentation - Jesse Schwalbaum**

*See – Appendix F*

**Note** – Mary Griffin of MassDEP informed the panel members that, during the Town of Hamilton's appeal of its permit modifications under the Water Management Act, the Administrative Magistrate (from the Division of Administrative Law Appeals) did not allow Mr. Schwalbaum's testimony on fish and fish habitat issues because he was not found to be qualified in these areas.

## **Questions and Discussion**

### **Purposes**

The Panel discussed the purpose of the day's discussion, of Public Policy in general, and of the Water Management Act as one regulatory tool amongst many to conserve water and protect watersheds and related habitats. MassDEP noted the purpose of state public policy in general is to set basic rules and standards across the state, and then adjust them to individuals and communities as necessary, which is what is being done in this policy. Others, however, believe that MASSDEP did not do enough research to sufficiently support this policy, and that other states have done a better job in making their standards relevant to municipalities.

### **Science**

The science that MassDEP used in developing its policies was considered accurate by Panel members, however disagreement continued as to whether there has been enough data gathered, and whether the conclusions of the research make a large enough difference in stream flow to be worth pursuing. MASSDEP stated that the WMA is only one tool in a large toolbox at MassDEP's disposal to help curb new water withdrawals and to improve stream flow. Making improvements in water conservation in stressed basins is an important part of the overall strategy to improve stream flow. Some municipal groups and water suppliers, however, believe that the policy is narrow-sighted, divisive, and that the cost of implementing and/or fighting this policy is too high for the benefit achieved.

Some Panel members suggested that the one presentation focusing on fish populations and stream flow did not provide enough information/discussion on the specific link between water conservation and improvement in habitats. The presenters also helped to clarify that withdrawals have the greatest environmental impact when they occur close to a given watershed's headwaters, or in close proximity to the river or stream.

### **Costs**

The Panel discussed the costs and benefits of completing more site-specific studies on watersheds around the Commonwealth, with some believing that \$500,000 per watershed (the estimated cost of the appropriately-detailed studying of the Ipswich river watershed) is too much

to pay, and/or too much to ask the ratepayers to pay, while others noted that some municipalities are spending that much or more on lawsuits to fight the policy anyway. The question was raised as to whether site-specific studies that could provide more detailed information to suppliers and ratepayers would be required to be able to agree on action. It was also noted that, when MASSDEP had more site-specific studies and standards a number of years ago, there were complaints about the lack of certainty with the studies, their expense, etc.

Dr. Peter Weiskel from USGS provided a list of the major basins and aquifers in Massachusetts where USGS has recently completed, or is currently conducting, regional modeling studies in cooperation with the Commonwealth:

**River Basins:**

Ipswich  
Upper Charles  
Assabet  
Sudbury (in review)

**Aquifers:**

Lower Cape Cod  
Mid Cape Cod  
Plymouth-Carver (in progress)

**Process Moving Forward**

Next Meeting will focus on Costs related to the WMA Policy. Specific Issues to Discuss are:

- Loss of revenues for Water Suppliers
- Cost of conservation program implementation for suppliers (whether in providing new appliances to customers, leak detection, general implementation costs, etc.) within the context of overall operations costs.
- Cost of possible alternatives to policy such as enhancing recharge, stream channel restoration, etc.
- Costs of Site-specific studies
- Cost of needing to develop new supplies in the future
- Overall economic costs to state due to perceived effect that WMA curbs development (i.e. lost tax revenues)
- Valuation of natural resources - How do you weigh monetary versus habitat costs
- UAW & Leak detection – discuss whether that should be considered normal systems maintenance, conservation, or a new source of revenue to suppliers (or all three)
- Cost to a town of drilling its own well rather than buying from the larger systems

**Meeting Adjourned, 12:46 pm**